

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACKIE GARY,

Plaintiff,

Case No. 05-60256

v.

Hon. John Corbett O'Meara

SUNRISE WINDOWS, LTD. LLC,

Defendant.

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ORDER OF PARTIAL DISMISSAL

On November 8, 2005, Plaintiff filed a two-count complaint alleging violations of Title VII of the Civil Rights Act (Count I) and the Michigan Elliott-Larsen Civil Rights Act (Count II). Plaintiff does not allege that diversity jurisdiction exists. Although Count I is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present a claim based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claim so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Count II of Plaintiff's Complaint is DISMISSED.

s/John Corbett O'Meara

John Corbett O'Meara
United States District Judge

Dated: December 22, 2005